

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN LAMBRINOS, and NORMAN LANDRY,

Plaintiffs,

v.

1:00-CV-1734

EXXON MOBIL CORPORATION, and
DONALD GAGNIER,

Defendants.

APPEARANCES:

OF COUNSEL:

POKLEMBA & HOBBS, L.L.C.
Attorneys for Lambrinos and Exxon Mobil
Suite 307
358 Broadway
Saratoga Springs, New York 12866

GARY C. HOBBS, ESQ.

LIVINGSTON L. HATCH, ESQ.
Attorney for Defendant Gagnier
1790 Main Street
P.O. Box 345
Keeseville, New York 12944

DAVID N. HURD
United States District Judge

ORDER

Pursuant to the Mandate issued by the United States Court of Appeals for the Second Circuit on October 20, 2009, and entered in the Northern District of New York on November 17, 2009, it is

ORDERED that

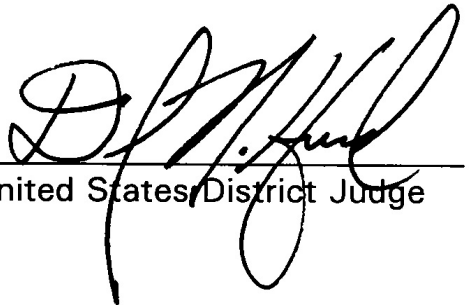
1. The Judgment entered on June 29, 2007, is VACATED;

2. The claims of plaintiff John Lambrinos against defendant Donald Gagnier are REINSTATED¹;

3. The claims of plaintiff John Lambrinos, as assignee of Exxon Mobil's cross-claims for statutory contribution pursuant to New York Navigation Law § 181(1) against defendant Donald Gagnier are REINSTATED; and

4. Defendant Donald Gagnier's cross-claim brought under the New York Navigation Law § 181(5) against defendant Exxon Mobil is REINSTATED.

IT IS SO ORDERED.


United States District Judge

Dated: November 25, 2009
Utica, New York.

¹ It is noted that partial summary judgment as to liability on plaintiff's RCRA claim against Gagnier was denied. (Mem. Dec. & Ord. Sept. 29, 2004.) However, partial summary judgment on the issue of Gagnier's liability under N.Y. Nav. L. § 181 was granted. Id.